

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 07-0040 WHA

v.

DASHAWN JULIAN,

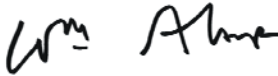
Defendant.

**ORDER RE MOTION TO APPOINT
COUNSEL**

In June 2008, defendant Julian filed a *pro se* motion for appointment of counsel to assist him in filing a motion for a sentencing reduction pursuant to 18 U.S.C. 3582. The Public Defender's service agreed to review defendant's case for the purpose of determining the possible merits of any such motion. The Public Defender's office subsequently learned, however, that defendant had explicitly waived his right to file a Section 3582 motion in his plea agreement and so informed the Court. The Public Defender's office also indicated that it identified no information supporting an ineffective assistance claim or other grounds potentially allowing defendant to withdraw from the agreement. It would be improper for the Public Defender to file a motion on defendant's behalf without having identified grounds therefor. For these reasons, defendant's motion for the appointment of counsel is **DENIED**.

IT IS SO ORDERED.

Dated: February 24, 2009



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE